

BACKUS, CARRANZA & BURDEN  
3050 SOUTH DURANGO  
LAS VEGAS, NEVADA 89117  
TELE: (702) 872-5555 FAX: (702) 872-5545

1 Jack P. Burden, Esq.  
2 Nevada State Bar No. 6918  
3 **BACKUS, CARRANZA & BURDEN**  
4 3050 South Durango Drive  
5 Las Vegas, NV 89117  
6 (702) 872-5555  
7 (702) 872-5545  
8 jburden@backuslaw.com

9 Attorneys for Defendant,  
10 *Albertson's LLC*

11 **UNITED STATES DISTRICT COURT**

12 **DISTRICT OF NEVADA**

|    |                                      |   |          |                       |
|----|--------------------------------------|---|----------|-----------------------|
| 13 | IVY FISHEL, an individual,           | ) | Case No. | 2:18-CV-01301-APG-CWH |
| 14 |                                      | ) |          |                       |
| 15 | Plaintiff,                           | ) |          |                       |
| 16 |                                      | ) |          |                       |
| 17 | vs.                                  | ) |          |                       |
| 18 |                                      | ) |          |                       |
| 19 | ALBERTSON'S, LLC, a Delaware Limited | ) |          |                       |
| 20 | Liability Company; and DOES 1-10,    | ) |          |                       |
| 21 | inclusive,                           | ) |          |                       |
| 22 |                                      | ) |          |                       |
| 23 | Defendants.                          | ) |          |                       |

24 **STIPULATION AND ORDER FOR DEFENDANT ALBERTSON'S LLC ADMISSION TO**  
25 **LIABILITY AS TO DUTY AND BREACH**

26 Pursuant to FRCP 16(c)(2)(C), Defendant Albertson's LLC ("ALBERTSON'S"), by and  
27 through its counsel of record, Jack P. Burden, Esq. of the law firm Backus, Carranza & Burden,  
28 and Plaintiff IVY FISHEL ("FISHEL"), by and through her counsel of record Wetherall Group,  
Ltd., hereby stipulate as follows:

1. Albertson's hereby admits liability as to duty and breach, but not causation, as  
regards the subject incident. Specifically, Albertson's admits that it had a duty to maintain the  
subject premises in a reasonably safe condition. Albertson's admits that it had constructive notice  
of an unsafe condition and failed to warn Plaintiff. Albertson's makes no admission that  
Plaintiff's claimed injuries were caused by the resulting slip and fall at issue.

2. Fishel may introduce liability evidence at trial only to establish causation and damages.

3. Both parties may utilize all relevant records, including but not limited to medical records, expert reports, etc., pertaining to causation and damages.

5. The Court will exclude evidence strictly related to liability at the time of trial but will allow evidence relating to factual issues in dispute relating to causation and damages.

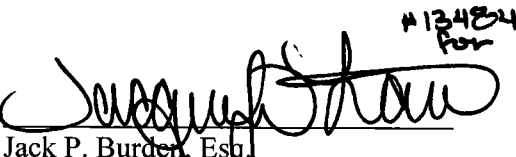
6. In consideration of this instant stipulation admitting liability as to duty and breach, the parties agree that no further affirmative defenses will be sought and/or amendment to said Complaint.

DATED: 12/12/18

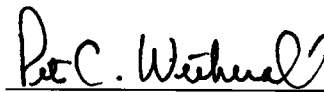
DATED: 12/10/18

Backus, Carranza & Burden

Wetherall Group, Ltd.,

 #13484 For

Jack P. Burden, Esq.  
BACKUS, CARRANZA & BURDEN  
3050 South Durango Drive  
Las Vegas, NV 89117  
[jburden@backuslaw.com](mailto:jburden@backuslaw.com)  
Attorneys for Defendant,  
ALBERTSON'S LLC



Peter C. Wetherall, Esq.  
WETHERALL GROUP, LTD.  
9345 West Sunset Road, Suite 100  
Las Vegas, NV 89148  
Attorney for Plaintiff  
IVY FISHEL

**ORDER**

IT IS SO ORDERED.

Dated: December 13, 2018.

  
UNITED STATES DISTRICT JUDGE